

On July 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of eight boxes of herring at Cincinnati, Ohio, alleging that the article had been shipped by the Lake Superior Fish Co., Duluth, Minn., on or about July 2, 1931, and had been transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance, and in that it was a portion of an animal unfit for food.

On July 9, 1931, no claimant having appeared for the property, judgment was entered finding the product unfit for human consumption and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18782. Adulteration of shelled pistachio nuts. U. S. v. 26 Cases of Shelled Pistachio Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (E. & D. No. 25649. I. S. No. 15533, S. No. 3887.)

Samples of shelled pistachio nuts from the shipment herein described having been found to be insect injured, decomposed, and shrunken, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On January 12, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26 cases of shelled pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been imported from Italy on or about November 25, 1929, and charging that it was adulterated in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 20, 1931, Steinhardt & Nordlinger, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,500, conditioned in part that it be sorted to separate the good nuts from the bad, so that the article comply with the requirements of the Federal food and drugs act and all laws, Federal and State. It was further ordered by the court that the product should not be disposed of until inspected by a representative of this department, and that the rejected portion or the entire lot, if such inspection showed the reconditioning to be unsatisfactory, be destroyed or denatured.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18783. Adulteration of dried prunes. U. S. v. 1,200 Boxes, et al., of Prunes. Consent decrees of condemnation and forfeiture. Product released under bond. (E. & D. Nos. 26116, 26117. I. S. Nos. 11087, 11088, 11089, 11090. S. Nos. 4299, 4300.)

The dried prunes in the shipments herein described having been found to contain insect-infested, bin-spoiled, lye-injured, and brown-rot-infected fruit, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On March 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 5,817 cases of dried prunes, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by J. C. Tracy & Co., from Portland, Oreg., in part on or about February 17, 1931, and in part on or about February 23, 1931, in interstate commerce into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Oregon Prunes Web Foot Brand Packed by J. C. Tracy & Co., Dallas, Oregon."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On or about May 20, May 29, June 5, and June 9, 1931, J. C. Tracy & Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds totaling \$11,200, conditioned in part that it be wiped, washed, or otherwise treated, in such

manner as would insure the removal of all substances contained thereon, so it comply with the requirements of the Federal food and drugs act, and all laws relating thereto. It was further ordered by the court that the product should not be disposed of for human consumption until inspected by a representative of this department and pronounced in compliance with the law and that the rejected portion or all, if the reconditioning be unsatisfactory, be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18784. Adulteration of tomato catsup. U. S. v. 140 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25778, 25899. I. S. Nos. 10859, 10862, 10868. S. Nos. 3935, 4022.)

Samples of tomato catsup from the shipments herein described having been found to contain excessive mold, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Illinois.

On January 20 and February 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 140 cases of bottled tomato catsup at Litchfield, Ill., and 24 cases of canned tomato catsup and 173 cases of bottled catsup at Springfield, Ill., alleging that the article had been shipped by the Frazier Packing Co., Elwood, Ind., the former on or about October 4, 1930, and the latter on or about November 17, 1930, and had been transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act. A portion of the bottled catsup was labeled in part, "Cham-Urba Brand * * * Tomato Catsup Packed for Stevens Grocery Co. Champaign, Ill.," and the remainder was labeled in part: "Clover Farm Brand * * * Tomato Catsup Distributed by Clover Farm Stores National Headquarters Cleveland, Ohio." The canned tomato catsup was labeled in part: "Sangamo Brand Pure Tomato Catsup * * * Packed For Jageman-Bode Co. Springfield Ill."

It was alleged in the libels that the article was adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 18, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18785. Adulteration and misbranding of tomato catsup. U. S. v. 8 Cartons, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26213, 26314. I. S. Nos. 28504, 28520. S. Nos. 4517, 4625.)

Samples of tomato catsup from the shipments herein described having been found to contain an undeclared thickener, an unidentified gum, the Secretary of Agriculture reported the matter to the United States attorney for the District of Rhode Island.

On April 10 and May 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 24½ cartons each containing two dozen 8-ounce bottles, and 6½ cartons each containing two dozen 14-ounce bottles of tomato catsup, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Alex. Cairns & Sons (Ltd.), from Baltimore, Md., in various consignments on or about January 19, January 22, and April 2, 1931, and had been transported from the State of Maryland into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cairn's Paisley Tomato Catsup Made in U. S. A. Alex Cairns & Sons, Ltd., Paisely, New York."

It was alleged in the libels that the article was adulterated in that tomato catsup containing added gum had been substituted for the said article.

Misbranding was alleged for the reason that the statement on the label, "Tomato Catsup," was false and misleading and deceived and misled the purchaser when applied to tomato catsup containing added gum. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On May 1 and May 22, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*